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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,268	07/15/2003	Christopher B. Weare	MSFT120706	9721

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EXAMINER

SUAREZ, FELIX E

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p align="center">10/621,268</p>	<p>Applicant(s)</p> <p align="center">WEARE, CHRISTOPHER B.</p>	
	<p>Examiner</p> <p align="center">Felix E Suarez</p>	<p>Art Unit</p> <p align="center">2857</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>26Sep03; 03May04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being unpatentable over Herz (U.S. Patent No. 6,029,195).

With respect to claims 1 and 16, Herz teaches in a computer system, a method for providing recommendations of items to a user, the method comprising:

evaluating the items in accordance with sets of parameters (see col. 13, lines 8-29 and col. 31, lines 21-41);

recommending selected items to a user based on the evaluation of the items (see col. 7, lines 19-51) ;

receiving from the user feedback regarding the recommendations (see col. 18, lines 9-28); and

adjusting the sets of parameters based on the feedback (see col. 18 line 54 to col. 19 line 7 and col. 22, lines 14-58).

With respect to claims 2 and 17, Herz further teaches that the feedback from the user is in the form of user ratings of the recommendations (see col. 22 line 59 to col. 23 line 10).

With respect to claims 3 and 18, Herz further teaches that the evaluation of the items includes determining affinity values for the items (see col. 8, lines 32-47).

With respect to claims 4, 11, 19, 24 and 27, Herz further teaches that a genetic algorithm is utilized for adjusting the sets of parameters (see col. 22, lines 14-28 and col. 23, lines 48-59).

With respect to claim 5, Herz further teaches that other items that have been selected by the user as favorites are utilized as references for the evaluation of the items (see col. 19, lines 29-65).

With respect to claims 6 and 10, Herz teaches a system (or a computer readable medium) for recommending items to a user, comprising:

a recommendation factory for providing the recommendations to the user, the recommendations being determined based on evaluations of the items made in accordance with sets of parameters (see col. 7, lines 19-51); and

a performance monitor for receiving feedback from the user regarding the recommendations (see col. 18, lines 9-28 and col. 68, lines 22-57);

wherein the sets of parameters are; adjusted based on the feedback from the user (see col. 18 line 54 to col. 19 line 7 and col. 22, lines 14-58).

With respect to claims 7 and 14, Herz further teaches comprising an affinity predictor for calculating the expected affinity values of the items (see col. 22, lines 48-58).

With respect to claims 8 and 22, Herz further teaches that the recommendation factory selects items to be recommended in accordance with the items that have the highest expected affinity values as determined by the affinity predictor (see col. 19, lines 42-64).

With respect to claims 9 and 23, Herz further teaches comprising a recommendation table to which the recommendation factory writes the recommendations, the recommendations being loaded for the user from the recommendation table (see col. 20, lines 49-65).

With respect to claims 12 and 28, Herz further teaches that the genetic algorithm executes unworthy parameter sets based on the performance of the recommendations (see col. 19, lines 42-64).

With respect to claims 13 and 29, Herz further teaches that the genetic algorithm generates new parameter sets from the surviving population (see col. 20, lines 32-49 and col. 30, lines 46-65).

With respect to claims 15 and 32, Herz further teaches comprising a recommendation table component to which the recommendation component writes the recommendations, the recommendations being loaded for the user, from the recommendation table component (see col. 46 line 62 to col. 47 line 47).

With respect to claim 20, Herz teaches a system for providing recommendations to a user, the system comprising:

an affinity predictor for receiving information regarding items and determining affinity values for the items, the affinity values being determined according to sets of parameters, the affinity values being used to provide recommendations to the user (see col. 22, lines 48-58 and col. 30, lines 21-37);  
and

a parameter controller for adjusting the sets of parameters in accordance with feedback from the user regarding the recommendations (see col. 15, lines 13-33 and col. 22, lines 14-58).

With respect to claim 21, Herz further teaches comprising a performance monitor, which harvests recommendation performance information from the user (see col. 68, lines 22-57).

With respect to claim 25, Herz teaches a computer-readable medium having computer-executable components for providing recommendations of items to a user, the computer-readable medium comprising:

an affinity predictor component for determining affinity values for items based on sets of parameters (see col. 22, lines 48-58 and col. 30, lines 21-37);

a recommendation factory component for providing recommendations to a user (see col. 7, lines 19-51); and

a performance monitor component for monitoring the performance of the recommendations, the performance of the recommendations being used to adjust the sets of parameters (see col. 18, lines 9-28 and col. 68, lines 22-57).

With respect to claim 26, Herz further teaches comprising a parameter controller component which receives data from the performance monitor regarding the performance of the recommendations, and in response thereto generates sets of parameters for use by the affinity predictor (see col. 15, lines 13-33 and col. 22, lines 14-58).

With respect to claim 30, Herz further teaches that after a sufficient number of iterations the sets of parameters settle toward optimal values (see col. 21 line 65 to col. 22 line 13 and col. 22, lines 45-58).

With respect to claim 31, Herz further teaches comprising an affinity predictor component for calculating the expected affinity values of items (see col. 22, lines 48-58 and col. 30, lines 21-37).

### ***Conclusion***

#### ***Prior Art***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Catan [U.S. Patent No. 6,758,397] describes a highly relevant information or process relating, to an article to which a machine-readable label device is attached.

Gutta et al. [U.S. Patent Application Publication No. 2003/0066068] describes a system to provide a user's preference profile based on the preference of others.

Thompson [U.S. Patent Application Publication No. 2004/0210661] describes a method of profiling, matching and optimizing performance among large networks of people.



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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and for After Final communications.

December 10, 2004

F.S.

  
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